

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE**

**Call to Order:** By **CHAIRMAN DIANE RICE**, on January 30, 2003 at 3:00 P.M., in Room 172 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Diane Rice, Chairman (R)  
Rep. Verdell Jackson, Vice Chairman (R)  
Rep. Ralph Lenhart, Vice Chairman (D)  
Rep. Joan Andersen (R)  
Rep. Norman Ballantyne (D)  
Rep. Bob Bergren (D)  
Rep. Norma Bixby (D)  
Rep. Veronica Small-Eastman (D)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Bill Thomas (R)

**Members Excused:** Rep. Carol Lambert (R)  
Rep. Bruce Malcolm (R)  
Rep. Jim Peterson (R)  
Rep. Brennan Ryan (D)  
Rep. Karl Waitschies (R)

**Members Absent:** None.

**Staff Present:** Lisa Gallagher, Committee Secretary  
Krista Lee Evans, Legislative Branch

**Audio-only Committees:** These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape stamp refers to material immediately following.

**Committee Business Summary:**

Hearing & Date Posted: HB 364, 1/20/2003  
Executive Action: HB 325; HB 364; HB 379

HEARING ON HB 364

Sponsor: REPRESENTATIVE BOB BERGREN, HD 90, Havre

Opening Statement by Sponsor:

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.9}*

REP. BERGREN, HD 90, submitted his written testimony.  
**EXHIBIT**(agh20a01)

REP. MALCOLM came in.

Proponents' Testimony:

*{Tape: 1; Side: A; Approx. Time Counter: 3.1 - 5.9}*

Will Kissinger, Department of Agriculture, submitted his written testimony.  
**EXHIBIT**(agh20a02)

Bob Stevenson, Montana Grain Growers Association, stated that they are in support of this bill and so is Montana AG Business.

Chris Christiaens, Montana Farm Union, said that they are in support of this bill.

Opponents' Testimony: none

Questions from Committee Members and Responses: none

Closing by Sponsor:

REP. BERGREN said that line 14 of this bill clarifies the law so that the intent is that of the framers of the Constitution. He urged that the Committee pass this bill.

EXECUTIVE ACTION ON HB 325

REP. LAMBERT came in.

Motion/Vote: REP. THOMAS moved that HB 325 DO PASS. Motion carried 13-0, by voice vote.

**EXECUTIVE ACTION ON HB 364**

**Motion/Vote:** REP. BERGREN moved that HB 364 DO PASS. Motion carried 13-0, by voice vote.

**EXECUTIVE ACTION ON HB 379**

**Motion:** REP. BERGREN moved that HB 379 DO PASS.

**Motion:** REP. LENHART moved that HB 379 BE AMENDED.

**Discussion:**

REP. BALLANTYNE asked Krista Lee Evans if it happens often that the legislative body would override an initiative or a referendum. Krista Lee Evans said that she is not aware of it happening anytime, but she has not been around very long. Also she said that it is within the legislature's authority and power to do so, however this bill does not completely override I-143. This gives some of the authority back to the game farm owners before the passage of I-143. There are three things that this bill deals with and they are: 1)being able to modify their license, 2)transferring their license, 3)being able to fee shoot. Fee shooting had to be part of one's game farm license before I-143. What this bill does is try and get the game farm owners to where they were before the passage of I-143.

REP. RICE stated that this bill will only apply to existing game farms, and there will be no new game farms created.

REP. SMITH said that before I-143 passed there was a law that said they could not add any new game farms, so this is will not be changing much.

***{Tape: 1; Side: A; Approx. Time Counter: 12.7 - 21.3}***

Krista Lee Evans explained the amendments for HB 379.

**EXHIBIT** (agh20a03)

REP. MALCOLM asked Krista Lee Evans if in line (d) of the first page that it means the game farm license holders will not be renewed. Krista Lee Evans said that line (d) deals with the transferring of a license.

**Vote:** Motion that HB 379 BE AMENDED carried 12-1 with REP. BIXBY voting no, by voice vote.

**Discussion:**

**REP. JACKSON** said that with the current regulations that are in place and this amendment, it is a good bill. This will give elk farmers a chance to survive, and it will not overturn I-143. With the FWP and the game farmers, we will be able to stay on top of any problems that arise. Chronic wasting disease is similar to brucellosis in the fact that the state has done a great job at dealing with it.

**REP. THOMAS** said that he supports this bill, and that some of the opponents that spoke on this bill the other day were the same people that took a strong stand in favor of the monument in central Montana on the Missouri River. In many cases these are strongly financed, out-of-state interests. He said that this is the best we can do.

**REP. ANDERSON** said that she checked the vote in her district and the voters in her district did not vote for this measure. She also stated that she supports this bill.

**REP. STEINBEISSER** said that the game farmer got a bad deal on this and this might keep the state from some lawsuits.

**REP. SMITH** said that this is a takings law, and this bill should be supported.

**REP. LAMBERT** said that she is sponsoring a bill this session that would change the language on the ballot so when you vote "yes" for an initiative you are voting for it, and when you vote "no" you are voting against it. The biggest reason for this was because there were a lot of people in her district who thought that they were voting against I-143 and voted for it. Also the people in her district did not vote for I-143.

**Motion/Vote:** **REP. LAMBERT** moved that **HB 379 DO PASS AS AMENDED**. **Motion carried 14-2 with REPS. BIXBY and LENHART voting no**, by roll call vote.

**ADJOURNMENT**

Adjournment: 3:40 P.M.

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REP. DIANE RICE, Chairman

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LISA GALLAGHER, Secretary

DR/LG

**EXHIBIT** (agh20aad)